COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Floyd Jones, County Clerk
Meeting Date:	Wednesday, August 1, 2012	Type of Request:	New Business

Wording for the Agenda:

Discussion by the County Clerk concerning the production of the County's minutes.

Background/History/Details:

Fayette County Ordinance 2011-06 reads, in part: The clerk of the board shall promptly record the minutes for each board meeting. The minutes shall specify the names of commissioners present at the meeting, a description of each motion or other proposal made at the meeting, the name of the commissioner who proposed each motion, and a record of all votes. It shall be presumed that a commissioner has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the Board.

Historically, Fayette County's minutes have been lengthy. While they meet the minimum requirements imposed by both County Ordinance and the recently passed House Bill 397 (HB397), their production consumes staff's time and efficiency, may unintentionally open up bias or interpretation, and provide little benefit in return.

Based on HB 397, Ordinance 2011-06, and the County's current practice of producing minutes, staff will bring to the Board recommendations on how to continue abiding by legal requirements while increasing the ability to efficiently produce minutes.

What action are you seeking from the Board of Commissioners?

No action is required. Staff is seeking either consensus or direction concerning the production of minutes.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing		County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

Fayette County
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To: Fayette County Board of Commissioners

From: Floyd L. Jones, County Clerk

Date: July 23, 2012

Subject: Board of Commissioners' Minutes

On April 17, 2012, Governor Nathan Deal signed House Bill 397 (HB 397) which, according to Attorney General Samuel Olens, made "significant improvements" to Georgia's Open Meetings laws. A portion of HB 397, which pertains to minutes, reads as follows:

> The regular minutes of a meeting subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. *Such minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining*. (Emphasis mine)

Fayette County has historically produced lengthy minutes. Currently, a set of minutes is approximately 12 pages in length. (Five years ago, a typical set of minutes was about 25 pages long.) Coupled with other work responsibilities and deadlines, a 12-page set of extensive minutes can take approximately two to three days to produce. Even though these lengthy minutes are not verbatim, they are often a detailed account of what took place during the meeting; despite widespread agreement that minutes are not intended to intensively record meetings. The concerns associated with creating prolonged minutes are that: they unnecessarily consume staff's time and efficiency, they require staff to determine what is essential to the discussion, they can cause staff to appear biased toward a person or position; they force staff to interpret between what was actually said versus what was intended to be said, and there is minimal return for the extra effort.

Over five years ago, Fayette County adopted practices to reduce the need to produce long minutes. Those practices include: posting the Agenda with its supporting documentation to the County's website well in advance of a meeting, posting an Action Agenda to the website within 48 hours after a meeting, and posting an audio version of the Action Agenda to the website which enables citizens and staff to click on their topic of interest and hear the recording. Staff also maintains CDs of Master Recordings of virtually every Board meeting that has taken place since June 2007. Copies of minutes and recordings can be reproduced upon request.

Based on HB 397, the problems identified with creating lengthy minutes, and current practices, it is recommended that the following four procedures be agreed upon by the Board:

1) All County minutes should only include the names of members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It will be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

2) Public Comments, Public Hearings, Administrator's Reports, Attorney's Reports, and Commissioner's Reports will be recorded in the minutes to only report who spoke and their topic(s). (Example: The County Administrator spoke about "a"; Mr. Wilson commented on "b")

3) Minutes will continue to make references to attachments such as supporting documents, agreements, contracts, maps, and all other similar materials.

4) If a Commissioner asks for his or her statement to be included in the minutes, then a word-for-word, verbal transcript will be included in the minutes for the section of the Agenda where those comments occurred. This will include not only the requesting Commissioner's comments, but all comments given by any Commissioner, staff, or presenter relevant to that section of the meeting. It is further recommended that this option be used as infrequently as possible so that the earlier recommendations are not inhibited.

It is anticipated that these recommendations will conform to the requirements identified in HB 397 while removing the concerns associated with producing lengthy minutes.

152 (B) The regular minutes of a meeting ~~of any agency~~ subject to this chapter shall be
153 promptly recorded and such records shall be open to public inspection once approved
154 as official by the agency or its committee, but in no case later than immediately
155 following ~~the~~ its next regular meeting ~~of the agency~~; provided, however, that nothing
156 contained in this chapter shall prohibit the earlier release of minutes, whether approved
157 by the agency or not. Such ~~Said~~ minutes shall, ~~as~~ at a minimum, include the names of
158 the members present at the meeting, a description of each motion or other proposal
159 made, the identity of the persons making and seconding the motion or other proposal,
160 and a record of all votes. ~~In the case of a roll-call vote the~~ The name of each person
161 voting for or against a proposal shall be recorded ~~and in all other cases it~~. It shall be
162 presumed that the action taken was approved by each person in attendance unless the
163 minutes reflect the name of the persons voting against the proposal or abstaining.

Section 2-56. Minutes.

(a) The clerk of the board shall promptly record the minutes for each board meeting. The minutes shall specify the names of commissioners present at the meeting, a description of each motion or other proposal made at the meeting, the name of the commissioner who proposed each motion, the name of the commissioner who seconded each motion, and a record of all votes. It shall be presumed that a commissioner has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the board.